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Sixty-fourth year

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Letter dated 24 July 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the pleasure, in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, to enclose herewith the Non-Aligned Movement Heads of State and Government Declaration on Palestine adopted by the Fifteenth Summit of the Non-Aligned Movement, held in Sharm El Sheikh, Egypt, from 11 to 16 July 2009 (see annex).

I kindly request that the abovementioned Declaration be circulated as a document of the sixty-third session of the General Assembly, under agenda items 12, 15, 16, 25, 29, 30, 38, 39, 58, 63 and 65 (c), and of the Security Council.

(*Signed*) Maged **Abdelaziz**
Ambassador
Permanent Representative

Annex to the letter dated 24 July 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

Declaration on Palestine

1. The Heads of State and Government of the Non-Aligned Movement considered the critical situation in the Occupied Palestinian Territory, including East Jerusalem, and the dramatic deterioration of the situation on all fronts. They stressed the importance of coordinated and principled approaches and strategies by the Movement to continue strongly supporting the Palestinian people and their leadership and underscored the need to provide both political and humanitarian support to assist the Palestinian people to overcome the current crisis and strengthen their ongoing efforts towards the realization of their inalienable human rights and freedom. In this regard, the Heads of State and Government stressed the imperative of urgent efforts to advance a peace process based on Security Council resolutions 242 (1967), 338 (1973), 425 (1978), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid terms of reference and the principle of land for peace for the achievement of a comprehensive, just and lasting peace settlement and the exercise by the Palestinian people of their right to self-determination in their independent and sovereign State of Palestine, with East Jerusalem as its capital.

2. The Heads of State and Government reaffirmed their adherence to the principled positions adopted in this regard, including in the Declarations on Palestine adopted by the Committee on Palestine in September 2006 at the Fourteenth Summit Conference of Heads of State or Government in Havana, in July 2008 at the Fifteenth Ministerial Conference in Tehran and in April 2009 at the Ministerial Meeting in Havana, and the clear positions concerning Palestine adopted by all other previous Summits and Ministerial Conferences of the Movement. They called for serious, active efforts to uphold these positions and the intensification of the collective efforts by the Movement towards achievement of a just, peaceful resolution of the question of Palestine in all its aspects.

3. The Heads of State and Government expressed their deep regret that the question of Palestine remains unresolved after the passage of more than sixty years since the 1948 Al-Nakba that befell the Palestinian people, by which they became a stateless and dispossessed people, dispersed and displaced from their homeland of Palestine, and that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the Diaspora.

4. The Heads of State and Government also expressed their deep regret that since 1967, for more than 42 years, the Palestinian people have continued to suffer under Israel's brutal military occupation of their land and continue to be denied their fundamental human rights, including the right to self-determination and the right of the Palestine refugees to return in accordance with international law, the United Nations Charter and relevant resolutions. They condemned Israel's continuing unlawful military occupation and expressed their grave concern about the severe oppression, hardships and affronts to human dignity being endured by the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, as a result of the illegal and aggressive policies and practices being carried out by

the occupying Power, including grave human rights violations and grave breaches of international humanitarian law.

5. The Heads of State and Government expressed their deep concern about the deterioration of the situation in the Occupied Palestinian Territory at the political, economic, social, security, and humanitarian levels. They strongly condemned Israel's military aggressions against the Palestinian people, particularly in the Gaza Strip, by which the occupying Power has killed and injured thousands of Palestinian civilians by, inter alia, use of excessive, indiscriminate force and extrajudicial executions and has caused vast destruction of homes, properties, infrastructure and agricultural lands. They also condemned the continuing illegal detention and imprisonment of thousands of Palestinians, including hundreds of women and children and numerous elected officials, and called for their immediate release. They condemned all Israeli settlement activities by which the occupying Power has continued to colonize the Occupied Palestinian Territory, including East Jerusalem, in grave breach of international law. They further condemned Israel's imposition of collective punishment on the Palestinian people by numerous illegal means and measures, including military reprisals, destruction of homes and properties and severe restrictions on freedom of movement. The Heads of State and Government demanded once again that Israel, the occupying Power, immediately and completely cease all such violations of international law, including humanitarian and human rights law, which are tantamount to grave breaches for which the occupying Power must be held accountable.

6. The Heads of State and Government condemned in the strongest terms the recent Israeli military aggression against the Palestinian civilian population in the Gaza Strip, which resulted in the killing of more than 1,400 Palestinians, including hundreds of children and women, and the injury of more than 5,500 Palestinians, including by use of lethal and prohibited weaponry. They condemned Israel's wanton destruction of thousands of Palestinian homes; business properties; vital civilian infrastructure, including water, sanitation and electricity systems and roads; hospitals and ambulances; mosques; public institutions, including schools and national ministries; farms and agricultural land; and United Nations facilities in the Gaza Strip. They expressed their grave concern about the widespread devastation, trauma and despair caused by this military aggression among the civilian population. The Heads of State and Government demanded that Israel, the occupying Power, cease immediately its military aggression against the Palestinian people and called for respect of Security Council resolution 1860 (2009). They underscored the importance of reaching a permanent, durable ceasefire starting in the Gaza Strip and extending to the West Bank, expressing support for Egyptian efforts in this regard, as well as the necessity of allowing unimpeded humanitarian access and movement of persons and goods to meet the humanitarian, economic and recovery needs of the Palestinian people.

7. In this context, the Heads of State and Government stressed the necessity of upholding justice and international law and called upon the international community, including the Security Council, to ensure that thorough investigations are conducted of all the crimes and violations committed by Israel, the occupying Power, in the Gaza Strip. They called for serious follow-up of such investigations, aimed at holding accountable the perpetrators of such crimes and bringing an end to Israel's impunity and defiance of the law, including, inter alia, immediate action to follow-up the findings of the investigations by the United Nations Secretary-

General's Board of Inquiry and the Human Right Council's fact-finding mission. The Heads of State and Government reaffirmed in this regard the obligations of the High Contracting Parties to the Geneva Conventions with regard to penal sanctions, grave breaches and responsibilities.

8. The Heads of State and Government also reiterated their condemnation of Israel's inhumane and unlawful blockade of the Gaza Strip, which has resulted in the virtual imprisonment of the entire Palestinian civilian population there by obstructing their freedom of movement, including movement of sick persons, students and humanitarian personnel; their access to aid and all essential goods, including food, medicines and fuel, construction materials and commercial flows. They expressed serious concern about the exacerbation of the humanitarian crisis due to the severe impact of the blockade, which has caused grave deterioration of socio-economic conditions, including widespread poverty, unemployment, hardship, declining health conditions and decay of infrastructure and institutions in all sectors.

9. The Heads of State and Government stressed that, in addition to violating human rights law, such collective punishment measures are tantamount to grave breaches of international humanitarian law. They thus demanded that Israel cease such illegal practices against the Palestinian people and permanently end its illegal blockade of the Gaza Strip by allowing for the immediate and sustained opening of all of the Gaza Strip's border crossings, in accordance with international humanitarian law, United Nations resolutions and the November 2005 Agreement on Movement and Access, necessary for alleviating the humanitarian crisis and for the urgent reconstruction and economic recovery needs of the Palestinian people.

10. The Heads of State and Government reiterated their strong condemnation of Israel's continuing unlawful campaign of settler colonization in the Occupied Palestinian Territory, including East Jerusalem, and of escalating settler violence and terror against the Palestinian civilian population. They expressed their grave concern in this regard about intensifying illegal colonization activities, including vast land confiscations; construction and expansion of settlements, settlement "outposts" and infrastructure; transfer of more Israeli settlers; construction of the Wall; home demolitions; excavations and the imposition of arbitrary, racist residency and movement restrictions on the Palestinian civilian population via a permit regime and hundreds of checkpoints throughout the Occupied Palestinian Territory, especially in and around Occupied East Jerusalem.

11. The Heads of State and Government reiterated their deep concern about the extensive physical, economic and social devastation being caused by the Israeli settlements, Wall and checkpoints, which are severing the Palestinian Territory into separate areas, including several walled cantons; isolating East Jerusalem from the rest of the Territory; displacing thousands of Palestinians from their homes; causing severe damage to the economic, social and cultural fabric of the Palestinian society; and destroying some communities in their entirety. They cautioned that this illegal colonization campaign is gravely undermining the contiguity, integrity, viability and unity of the Occupied Palestinian Territory and jeopardizing the prospects for achieving the two-State solution for peace on the basis of the pre-1967 borders with the establishment of the sovereign, independent State of Palestine with East Jerusalem as its capital.

12. In this regard, the Heads of State and Government expressed their grave concern in particular about the situation in and around East Jerusalem, where

Israel's colonization campaign is most intense and clearly aimed at illegally altering the city's demographic composition, physical character and legal status. They condemned Israel's settlement and Wall construction, transfer of more settlers, home demolitions and excavations in and around the city, including in the area of Al-Haram Al-Sharif (Noble Sanctuary) in the Old City, its continued closure of Palestinian institutions, and other measures aimed at de-populating the city of its Palestinian inhabitants and entrenching the occupying Power's unlawful control of the city. They called for urgent action to halt all Israeli colonization measures to illegally and unilaterally determine the fate of East Jerusalem, capital of the future Palestinian State.

13. The Heads of State and Government reiterated their complete rejection of and their demand that Israel completely cease forthwith all such colonization policies and measures in the Occupied Palestinian Territory, including East Jerusalem. They reiterated that such aggressive, destructive and provocative policies and measures by the occupying Power constitute grave breaches of international humanitarian law and flagrant defiance of United Nations resolutions and the 9 July 2004 Advisory Opinion of the International Court of Justice. They stressed the incompatibility of peace process negotiations with such colonization activities deliberately aimed at the illegal acquisition and de facto annexation of more Palestinian land and forcibly imposing a unilateral solution. In this regard, they further reaffirmed the many United Nations Security Council and General Assembly resolutions demanding the cessation of these illegal policies and practices, which deemed them to be null and void and with no legal validity whatsoever, and called for full respect and implementation of those resolutions to bring an end to Israel's illegal settlement campaign in the Occupied Palestinian Territory and to salvage the two-State solution for peace.

14. In the face of continued Israeli defiance, the Heads of State and Government called for urgent action by the international community to compel the occupying Power to abide by all of its obligations under international law, including the Fourth Geneva Convention, United Nations resolutions, the Advisory Opinion and the Road Map. They called on the High Contracting Parties to uphold their obligations in accordance with the Fourth Geneva Convention to respect and ensure respect of the Convention in all circumstances. Moreover, they reiterated their call upon Member States and the United Nations to uphold their obligations in accordance with the Advisory Opinion and the demands made in General Assembly resolution ES-10/15, including the obligation not to recognize the illegal situation resulting from the construction of the Wall and not to render aid or assistance in maintaining the situation created by such construction. They called upon the United Nations Security Council and General Assembly to consider further action to bring an end to the illegal situation resulting from the construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem. In this regard, they called again for the expeditious operation of the "United Nations Register of Damage" and the speedy fulfilment of its mandate. The Heads of State and Government also reiterated their call for specific actions to be taken including by legislative measures, collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets, consistent with obligations under international treaties, to decline entry to Israeli settlers and to impose sanctions on companies and entities involved in construction of the Wall and other illegal

colonization activities in the Occupied Palestinian Territory, including East Jerusalem.

15. Further, in this regard, the Heads of State and Government called for application of all appropriate and available legal remedies to end the human rights violations and grave breaches of international humanitarian law being committed by Israel in the Occupied Palestinian Territory, including East Jerusalem, and to hold it accountable. They reiterated their firm conviction that respect for and compliance with international law and United Nations resolutions and decisions will positively influence and are necessary to advance the efforts for achieving a just, peaceful, political settlement of the Israeli-Palestinian conflict.

16. The Heads of State and Government reaffirmed their support for the Palestine Liberation Organization, the sole and legitimate representative of the Palestinian people, and the Palestinian Authority under the leadership of President Mahmoud Abbas, and emphasized the importance of maintaining and protecting the national and democratic institutions of the Palestinian Authority, including the Palestinian Legislative Council, which shall constitute a vital foundation for the future independent Palestinian State. They called for urgent efforts to rehabilitate and develop Palestinian institutions and stressed the need for mobilization of Palestinian capabilities to preserve the territorial unity and integrity of the Palestinian Territory, including East Jerusalem, to end the occupation and to achieve the independence of the State of Palestine. They reiterated their call for restoration of the situation in the Gaza Strip to that which existed prior to the events of June 2007 and stressed the importance and urgency of Palestinian reconciliation and unity. They expressed their support for Egyptian and regional efforts in this regard and their hope for speedy achievement of Palestinian reconciliation and unity, essential for the realization of the just, legitimate national aspirations of the Palestinian people.

17. The Heads of State and Government called for intensified efforts by the international community, in particular the Security Council and the Quartet, to address the current political and humanitarian crisis, to ameliorate the situation on the ground and to help advance a peace process and a two-State settlement that guarantees an end of the Israeli occupation of the Palestinian Territory, including East Jerusalem, that began in 1967, and the establishment of the sovereign, independent, and viable state of Palestine within a specified timeframe as well as a just solution for the Palestine refugee problem on the basis of General Assembly resolution 194 (III). They stressed that such a settlement is essential for the promotion of comprehensive peace and security in the region. They called upon the Security Council, considering its Charter authority for maintenance of international peace and security, to actively engage the Quartet for advancement of such a peace settlement. They stressed in this regard the continuing relevance of the Arab Peace Initiative and the Road Map and called for its full and honest implementation. In this connection, they emphasized the importance of the timely convening of the proposed international conference in Moscow in follow-up of the Annapolis Conference.

18. The Heads of State and Government reaffirmed the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects on the basis of international law. In this context, reaffirming the imperative of upholding international law and the United Nations Charter, the Heads of State and Government reiterated their call upon the Security Council to assume its

responsibilities and to act on the basis of its own resolutions to compel Israel to respect international law and to bring an end to all of its illegal practices and its occupation. They expressed appreciation to the members of the Non-Aligned Movement Caucus of the Security Council for their efforts concerning Palestine and called upon them to continue coordination on the issue and to remain actively involved, with a view to enhancing the role played by the Movement in the international drive to achieve a just solution to the question of Palestine and lasting peace in the region as a whole.

19. The Heads of State and Government thus reaffirmed their conviction that a vital role should continue to be played by the Movement vis-à-vis the question of Palestine and entrusted the Chair, assisted by the Committee on Palestine, to lead the efforts of the Movement with regard to the pursuit of a comprehensive, just and lasting peace in the region. They stressed the importance of active contacts and dialogue by the Movement at the ministerial level with the members of the Quartet, the members of the Security Council and other relevant parties in the peace process in order to convey the Movement's principled positions and advance efforts aimed at promoting the peace process and at ensuring respect for international law and United Nations resolutions, the keys to a peaceful settlement of the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole.

20. The Heads of State and Government underscored the importance of the work of non-governmental organizations, civil society and peace groups, particularly on the Palestinian and Israeli sides, and encouraged them to continue their positive work.

21. In conclusion, the Heads of State and Government reaffirmed their long-standing, principled political support and solidarity with the just cause of Palestine, reaffirming their strong commitment to continue supporting the Palestinian people and their leadership, including by provision of assistance during this time of crisis, in contribution to the overall efforts to bring an end to the Israeli occupation that began in 1967 and to hasten the realization of a just, peaceful and permanent solution of the Israeli-Palestinian conflict, the core of the Arab-Israeli conflict, and of the right of the Palestinian people to exercise self-determination and sovereignty in their independent State of Palestine, on the basis of the pre-1967 borders, with East Jerusalem as its capital.

Sharm El Sheikh
July 2009